IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 407 of 2005

CHANAN RAM & ANR
V/S
GANESHRAM & ORS

Mr. RK THANVI, for the appellant / petitioner

Mr. DD CHITLANGI, for the respondent

Date of Order : 4.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter comes up for consideration of stay. However, with consent of learned counsel for the parties, it is directed that the matter is sent back to the learned lower Appellate Court with a direction to decide the matter on merits on the basis of material already on record. Obviously therefore, the order of remand is set aside.

Accordingly, the appeal is disposed of by setting aside the impugned order and directing the learned lower Appellate Court to decide the matter on merits on the basis of material already on record. The parties are directed to appear before the learned lower Appellate Court on 16.7.2007.

(N P GUPTA),J.

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